

Introduced by Senator Ortiz

February 24, 2006

An act to amend ~~Section~~ *Sections 15204 and 18502* of the Elections Code, relating to the voting process.

LEGISLATIVE COUNSEL'S DIGEST

SB 1706, as amended, Ortiz. Voter corruption: penalties.

(1) Existing law *requires that all proceedings at the central counting place or places used to count ballots in a semifinal official canvass in the conduct of an election be open to the view of the public, but prohibits persons, with certain exceptions, from touching any ballot container and provides that access to any area where electronic data processing equipment is being operated may be restricted to those persons authorized by the elections official.*

This bill would provide that the above provisions shall not be construed to eliminate public oversight.

(2) Existing law makes it a felony punishable by imprisonment in the state prison for 16 months or 2 or 3 years for any person to interfere with the elections officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held and lawfully conducted.

This bill would, in addition, make it a crime punishable by a fine not exceeding \$250 upon a first conviction for any person who knowingly and without authorization enters upon any elections official's official or semiofficial canvass operations area or any area where any voting system component is being operated or stored, as specified. The bill

would also make it a misdemeanor for a 2nd conviction punishable by imprisonment in the county jail for not more than a year, by a fine not exceeding \$1,000, or both, and would make a 3rd or subsequent conviction punishable as a felony, as specified.

By creating a new crime, the bill would impose a state-mandated local program.

(2)

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15204 of the Elections Code is amended
2 to read:

3 15204. (a) All proceedings at the central counting place, or
4 counting places, if applicable, shall be open to the view of the
5 public but no person, except one employed and designated for the
6 purpose by the elections official or his or her authorized deputy,
7 shall touch any ballot container. Access to the area where
8 electronic data processing equipment is being operated may be
9 restricted to those persons authorized by the elections official.

10 (b) Subdivision (a) shall not be construed to eliminate public
11 oversight.

12 ~~SECTION 1.~~

13 SEC. 2. Section 18502 of the Elections Code is amended to
14 read:

15 18502. (a) Any person who in any manner interferes with the
16 officers holding an election or conducting a canvass, or with the
17 voters lawfully exercising their rights of voting at an election, as
18 to prevent the election or canvass from being fairly held and
19 lawfully conducted, is punishable by imprisonment in the state
20 prison for 16 months or two or three years.

21 (b) (1) Any person who knowingly and without authorization
22 enters upon any elections official's official or semiofficial

1 canvass operations area or any area where any voting system
2 component is being operated or stored, if the area has been
3 posted with notices restricting access to authorized personnel
4 only and the posting occurs not greater than 10 feet from the
5 exterior boundary *of the election official's canvass operations*
6 *area*, is guilty of a crime. *The posted notices shall be on a sign*
7 *that is not less than 8 1/2 inches by 11 inches in not less than*
8 *14-point font.*

9 (2) Any person convicted of a violation of paragraph (1) shall
10 be punished as follows:

11 (A) Upon a first conviction by a fine not exceeding two
12 hundred fifty dollars (\$250).

13 (B) A second conviction is punishable by imprisonment in the
14 county jail for not more than one year, by a fine not exceeding
15 one thousand dollars (\$1,000), or by both the fine and
16 imprisonment.

17 (C) A third or subsequent conviction is punishable by
18 imprisonment in the state prison, by a fine not exceeding ten
19 thousand dollars (\$10,000), or by both the fine and
20 imprisonment, or by imprisonment in the county jail for not more
21 than one year, by a fine not exceeding one thousand dollars
22 (\$1,000), or by both the fine and imprisonment.

23 (3) As used in this subdivision, the following definitions shall
24 apply:

25 (A) "Elections official's canvass operations area" means any
26 area or facility used by the elections official to conduct the tasks
27 of the official or semiofficial canvass referred to in Sections
28 335.5, 353.5, and 15302.

29 (B) "Authorized personnel" means any person who has the
30 elections official's specific authorization to enter the area in
31 question and who has a valid identification card issued or
32 authorized by the elections official, or is being escorted for
33 legitimate purposes by a person with a valid identification card
34 issued by the elections official.

35 SEC. 2. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the
40 penalty for a crime or infraction, within the meaning of Section

- 1 17556 of the Government Code, or changes the definition of a
- 2 crime within the meaning of Section 6 of Article XIII B of the
- 3 California Constitution.

O